

June/July 2018



KHASHO

PROSECUTING WITHOUT FEAR, FAVOUR OR PREJUDICE



**Legislation
Watch**

**NPA Bids
Farewell to the
“Iron Lady”**

**Serial Rapist
Sentenced to an
Indefinite Period
in Prison**

**Feared Gangster
Sentenced
to Life**

**Cash-In-Transit
Robbers Face
the Full Might
of the Law**

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Acknowledgements

Editor:

Vuyolwethu Sigaji
NPA Communications

Editorial Management:

Nomilo Mpondo
Bulelwa Makeke

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Letter From The Managing Editor



Ms Bulelwa Makeke
Chief Director: Communications

We are back! We apologise for the short break in publishing your favorite newsletter. You will also be happy to know that we have now overcome the slight challenges that we were dealing with, and we will endeavor to catch up fast with the remaining editions.

The last few months were months that celebrated justice for victims of crime, particularly women and children. Our society continues to battle the scourge of rape and other heinous gender based crimes, as borne out by the many rape cases that our prosecutors finalised in this period. As usual, our prosecutors are always available to provide perspective to these cases, to share their prosecution prowess and dedication to the work of putting criminals where they belong – behind bars. We share their successful cases as this showcases the caliber and quality of our prosecutors in order to motivate up and coming prosecutors.

You will read in this edition about a rapist who was sentenced to life imprisonment and to a further 15 years for robbery at the Mankweng Regional Court. We also feature the trial and sentencing of a serial rapist in the Grahamstown High Court that included 67 charges, 39 of which were for rape.

We profile the Sexual Offences and Community Affairs (SOCA) Unit once again. SOCA was established in October 1999 with the main objective of eradicating all forms of

gender-based violence against women and children. Since its establishment, the unit has made an extremely valuable contribution in this regard. Read all about it on page 19.

The topic for the Integrity Management Unit's (IMU) series of "Ethics in Action" is ***Meaningful Human Dialogue is Impossible without Civil and Ethical Discourse***. IMU continues to use this platform to raise awareness about ethical issues which have a significant impact on how we do business and conduct ourselves in the workplace.

In the spirit of youth month, a variety of units and regions continued to expand their work by participating in a number of activities through educational and outreach events. Learners, university students and the community at large are informed about their rights and are made aware of the work of the NPA and access to justice through various offerings and events.

I appreciate you taking the time to read our newsletter. We continue to value your feedback and contributions, which are the ones that have made Khasho the cutting edge newsletter that it is. I remind you of the dedicated e-mail address available for contributions to Khasho - khasho@npa.gov.za.

We hope that you will enjoy going through the variety of articles in this edition. Best wishes!

A View from the DNDPP: Administration & OWP

The NPA has been operating under severe financial strain since 2016, resulting in serious shortfall for compensation of employees. In 2017/18 the shortfall was funded through virements from the NPA operational budget and a virement from the DoJ&CD. The unfortunate part is that in 2018/19, the NPA baseline will not be able to accommodate any virements. As the delegated accounting officer of the organisation, what way forward have you sought?

First of all, let me confirm that indeed we have been operating under severe budgetary constraints and I think we have said that throughout and I believe that senior management is perfectly aware of the budget constraints. They are not only confined to the NPA, they affect the whole government and all departments. We have engaged with the DoJ and with the Minister, and National Treasury and pointed out the impact that the budgetary constraints have on the NPA. They do understand our situation and therefore they have made a commitment to try as best as they can to assist us. We have also raised this with the Portfolio Committee of Justice and Correctional Services and they indeed agree with us that it does impact negatively on our functions. They have made a commitment that they will support us in their BRRR submissions, so we are hopeful that we will find assistance but at the same time it boils down to us having to manage our budget tightly.

I am worried that you are raising the point of responsibility of managers. We have leaders who should be examples but do not seem to be as prudent as they should be.

I emphasized the word management because it starts with the managers having to make sure that the budget is spent efficiently. Where there's a problem of improper financial management, irregular expenditure, and wasteful expenditure we have to enquire into the conduct of leaders leading in financial management who themselves must



Head of Administration, Dr Silas Ramaite

take the responsibility of disciplining managers who do not manage their finances properly. I am quite optimistic that this situation is not going to go on forever. I do not want to make predictions but in my analysis this situation is not going to last for more than three years, so let us ride this wave and I think in the outer third year the constraint should ease a little bit. There are lessons to be learned because difficult times must provide an opportunity to learn how to navigate over them, how to get over them.

The total moratorium on the filling of posts since 2015/16 is surely impacting severely on the operations of the organisation and on staff morale. To this effect, the NPA has lost a number of prosecutors that seek to look for greener pastures. How are you going to salvage this disastrous situation?

Again let me start by saying this is the reality we are aware of. I do not have the numbers but already we have lost a significant number of prosecutors who have joined the Magistracy and even before that our vacancy rate

was not to our advantage. We already had a significant number of vacancies but we have actually over the past year started to address this situation. We have asked the DPPs to identify their overall vacancies. They submitted their vacancies and identified critical vacancies. There is a committee that consists of HR, NPS, as well as Mr Maphuthuma from my office looking into this. Last year, the highly critical vacancies were filled. We accept that we still have vacancies and actually the situation with prosecutors leaving has now become dire. We are also engaged in a process to identify vacancies with the aim to fill them. We are engaging with the DoJ to address this situation. This is once again a question of management - one understands that it is very difficult to operate with minimal capacity but that is the reality we have to face. You must remember that the situation we find ourselves in respect of the moratorium of filling of vacancies is not of our own doing, but the reality is that there is a service that we have to provide. We will have to manage the matter of burn out no matter how difficult it is. I have asked HR to provide us with an updated HR plan which must tell us how we address the current situation and going forward in the next three years. Remember that HR is not only confined to the filling of vacancies, it also deals with actually looking at the welfare and the wellbeing of employees, and looking at the projected growth of the NPA as a whole. For example we now have Mpumalanga and Limpopo. Those DPP offices are more likely to grow but currently we are just dealing with capacitating them so that they can start operating. The reality is that as time goes on we need to do some kind of a projection, so the HR plan must take that into account. We have had a look at other HR plans from DPSA as well as DoJ, it is going to be a little bit of a protracted process but once we have had it we will discuss it with management.

You mentioned burnout more than two times and here in the NPA we have a unit that is responsible for employee wellness. How is the unit helping in this situation?

I can tell you that employee wellness is one unit that is doing a pretty good job. I encourage employees to make full use of the employee wellness. I do not think that people are making full use of it, but I am aware of people that are

making use of it. My plea is to use the service especially during this time when we sort of have a crisis where people are likely to have burnout. People are likely to have problems because prosecutors now have to carry more dockets than usual and they have to work outside of the official time. Those are the sort of things that one should not bottle up, that is why I encourage employees to make use of it. I think we are very fortunate that we have a fully functional employee wellness programme.

There are talks about a 'Training Academy' that the NPA is in the process of establishing. Is the organisation financially ready for such academy? Given that the Justice College already exists, what is the thinking behind this academy and please explain how is it going to work?

I can confirm that we are in the process of establishing the training academy - there is a person who has been appointed to lead the establishment. The head of the academy is Mr JJ du Toit from the DPP Johannesburg office. He has already made various presentations to me as well as the NDPP and Exco. The establishment has been endorsed by the NDPP as well as by Exco. He is already in touch with the various coordinators of training in the various DPP offices. He is also involved with the training unit in HR. He has already started with the coordination of the training and has also liaised with the Justice College so that there is synchronization. However, the academy is not yet fully functional and ready to deliver the services. We already have the concept of an ideal training academy that trains prosecutors, incorporating the aspirant prosecutors. Everything that takes place in respect of the training of prosecutors is already there. There is then training that is provided by Justice College in relation to prosecutors, now that is going to be pulled in. We already have interns for example, from various fields of Administration, and they will also benefit from the training academy above what they have already studied at university. The ideal situation is that employees already have a grounding in various fields. For example, prosecutors already have grounding in law but what is needed is practical training that is suited to the NPA and on what it intends to achieve in future years. So our

vision in the next three, five to ten years is that we should have a fully functional training academy that is part of the NPA.

So the training academy will not only focus on prosecutors?

No, it is a training academy to train and equip all NPA employees in their respective areas of practice. People tend to look at the prosecution service as prosecution and they forget that all there are other functions e.g finance, labour and so on. I do not want a person to tell me about finance generally, I prefer a person to tell me about finance in relation to prosecution. We want to change the mindset so that people in finance should bring their skills so that they can be aligned to the function of prosecution. In other words, we want to modify people's skills so that they suit the prosecution service.

But is the organisation financially ready for that?

Look we accept that we are operating under extreme difficult financial situation but then we are saying we cannot let that stop us from starting and developing it. We know that because of these financial constraints it will take time to operate fully. This is just the beginning, we need to pull together because the problem we have had in the NPA is that the training has been disjointed. Let us coordinate it and make it uniform. So we have already started by pulling all those bits and pieces, bringing them all together. When we find ourselves out of the current crisis we should be ready. The fact that we are under financial constraints must not stop us from getting things done. Let us start with what we have because we have a lot. People are not thinking out of the box. There are so many junior officials in finance and HR who do not know as much as the senior officials know. What stops us from organizing training sessions ourselves where you get the most experienced to train the less experienced? The experienced ones are soon going to be retiring. I would rather have a person who is retiring in one year focusing on training those who are remaining. It is just that people are resistant, they think that these are new ideas but this is what has been happening in other organisations, especially in the private sector. This is the function of the training academy, to set out what sort of training is required and suited to the NPA.

We are at a time where we are assembling the NDPP Annual Report. Can you give us a preview of the general performance of the NPA for the 2017/18 year?

The one thing that I really need to mention is that despite the financial constraints and challenges with regard to the filling of posts, the NPA has performed pretty well and this proves a point that we can produce results and deliver on our promise despite the challenges that we have had. And this is all thanks to all the employees because they have shown a commitment to remain committed to delivering a service to the people of South Africa. They have not constantly complained and said well we cannot deliver. The good thing about the annual report is at the end of the year you are able to see how much you have done, you might not have realized it during the course of the year. So the message that I would like to convey to all staff is that, we have had the financial constraints and all these constraints with regard to the posts. They have not been aware that they have been really doing so much. The annual report actually shows a signal of the effort that they have put in. We really commend the employees, all of them the prosecutors as well as the people in Administration because if they had not been providing the support we would not have made it.

With all these limitations that the NPA finds itself in; there's regrettable adverse effects on the foot soldiers on the ground. Prosecutors in lower courts are most hit by this impasse. What do you have to say to keep them and for the NPA to remain their employer of choice?

Certainly, but for me I can say that there are many prosecutors who love what they do. You know I have been a prosecutor for many years and I have interacted throughout the years, even now I still interact with many prosecutors. You know probably 95% to 98% of prosecutors are totally committed and dedicated to their work as prosecutors. The majority of prosecutors love their job and have actually stayed in the NPA despite all the challenges and the difficulties and they are professional. For a professional, it is a question of loving your job, getting satisfaction from your job. no matter the challenges. I have so much confidence in our prosecutors to deliver justice to society because they do that on a daily basis and the reason why we still have a

prosecution service despite all the challenges is because you have those dedicated prosecutors.

On the dedication of prosecutors, would you say that the OSD dispensation created happy prosecutors?

The OSD dispensation has really gone a long way in ensuring that prosecutors are treated as professionals in line with their specific occupation as prosecutors so that is a positive move. The NPA is an essential institution of the state. The services it provides are enshrined in the Constitution and therefore the stability and the development of South Africa also rely on the NPA addressing crime and therefore there is a need for all employees of the NPA to dedicate themselves to providing service to the people of South Africa. There is a future in the NPA and the reality is I personally get very hurt when people leave. When I

become aware of it I always I intervene and I try to make them stay. There are times where you cannot keep people no matter how much you want, different circumstances, different preferences, different types of people and I am conscious of that. I know of people who wanted to stay as prosecutors but because of various circumstances they realize that they can no longer stay. So, the reality is you cannot make people stay.

How about a conversation with the Administration seeing that you are the head

Certainly, I would love to do that. I want to be challenged and if I am wrong in my ideas then people should have their say. People should not simply say this is not going to work they must tell me what is it that is going to work.

Mashudu Malabi-Dzhang

Three Men Sentenced to Life Imprisonment Plus 15 Years

The Mankweng Regional Court sentenced Abel Malotane (22), Daniel Ledwaba (25) and Peter Adams (24) of Seshego to life imprisonment for rape and a further 15 years for robbery with aggravating circumstances.

The court heard that on the morning of 19 July 2014, whilst the complainant was on her way to a funeral, she was confronted by three men who dragged her to a sports ground. They threatened her with a knife and robbed her of two cell phones and some cash. They forced her to lie down on the ground and took turns in raping her. The complainant was pregnant at the time.

The accused pleaded not guilty to the charges, however, the state led evidence of the complainant who positively identified them as the culprits. The prosecutor further led DNA evidence which linked the three accused to the offence. The court found them guilty as charged.

The State Prosecutor, Makgomo Masehela also handed in the medical evidence which corroborated the injuries the complainant sustained.

In aggravation of sentence, the Thuthuzela Car Centre social worker compiled a Victim Impact Report and handed it in. The report showed that the complainant suffered emotional trauma which led to a miscarriage. The pre-sentence report was also handed in by the Probation Officer recommending that all the accused must be sentenced to life imprisonment.

The court found that there were no substantial and compelling circumstances to deviate from the minimum sentence and the three accused were sentenced each to life imprisonment for rape and 15 years for robbery with aggravating circumstances.



Advocate Johannes Makgomo

Insights from Advocate Johannes Makgomo

As prosecutors, we are called to serve the community, therefore it is about them and not us. I always strive for the realisation of the rights of women and vulnerable persons. I always ensure that their best interests are considered, which is of paramount importance. Sexual offences are very sensitive matters that affect victims emotionally, psychologically and physically.

I am pleased that the accused received the sentence that I asked for, which is life imprisonment on rape and 15 years for robbery with aggravating circumstances. The sentence handed down will serve to deter would be rapists who target the defenceless.

The trial was traumatising for not only was the victim raped but also had a miscarriage as a result of the rape. The victim could identify only one of the accused. I therefore had to rely on circumstantial evidence relating to the other two accused persons. I had to secure all evidence relating to the chain of evidence and the DNA because the defence exercised their right to remain silent. As a result, I had to prove chain evidence throughout the trial and maintained constant contact with witnesses from the forensic science laboratory.

This trial has widened my knowledge on how to deal with the chain of evidence and I am ready for future challenges and to help victims in general and those in a similar position.

NPA Bids Farewell to the “Iron Lady”

Phindi Mjonondwane

A befitting farewell function was hosted by the DPP North Gauteng office to bid farewell to an esteemed senior counsel, Retha Meintjies who served the criminal justice system with enthusiasm and commitment since January 1977 when she was appointed as a public prosecutor. In attendance was the acting DPP of North Gauteng, George Baloyi, acting Head of the National Prosecutions Service, Advocate Sibongile Mzinyathi, DPP in South Gauteng, Advocate Andrew Chauke, retired and former NPA employees, NPA employees and members of the media.

Retha Meintjies SC, started as a part-time clerk in 1971 and was appointed permanently as a clerk in 1974. She later worked at the Pretoria Deeds office as a Deeds Examiner until 1976. In January 1977, she worked as a public prosecutor at the Pretoria and Johannesburg Magistrates' Courts and moved to the Regional Court where she worked until her appointment as a State Advocate at the Attorney-General's office in July 1979. She worked for the Attorney-General's office moving to ranks of Senior State Advocate and to Deputy Attorney-General in April 1993.

Advocate Meintjies prosecuted many criminal cases, wrote opinions for judges in review cases, commented and made recommendations on existing and proposed legislation, argued criminal appeals (for and against the state) in the Supreme Court of Appeals and in the Constitutional Court. She led the investigations for the Commission of Enquiry into irregularities of the former Department of Education and Training chaired by Justice Leo Van Den Heever and conducted prosecutions emanating from the enquiry. She demonstrated profound abilities of interpretation and application of the law. She was also instrumental in developing case law which includes, amongst others, the following reported cases:

S v Martins 1986(4) SA 934 (T)

S v Melk 1988(4) SA 561 (A)

Nkosi v Barlow NO and Another 1984(3) SA 148 (T)

S v Kruger and Others 1987(4) SA 326 (T);
1989 (1) SA 785 (A)

Ndluli v Wilken NO and Others 1991(1) SA297 (A)

Van Vuuren v Esterhuizen NO and Another 1994(3)
SA 395 (T); 1996(4) SA 604 (A)



Advocate Retha Meintjies with Acting DPP: North Gauteng, Advocate George Baloyi, DPP of South Gauteng, Advocate Andrew Chauke, DNDPP Advocate Sibongile Mzinyathi and colleagues from DPP North Gauteng office

As Executive Member of the International Association of Prosecutors (IAP) and as Co-ordinator of Committee II of the IAP, she played a significant role in compiling the International Code for Prosecutors. For her sound leadership skills, she was twice elected as Chairperson of the Society of State Advocates.

Dubbed, “The Monster Slayer” for the role she played in prosecuting “Modimolle Monster” Johan Kotzé for the multiple rape, kidnap and attempted murder of his ex-wife Ina Bonette, and the murder of her son Conrad, she was passionate about delivering justice to victims of crime. Also known as the “Iron Lady” for her fearless and fierce character against criminals, she ensured that serial rapists and killers like Moses Sithole (sentenced to 2 410 years) are removed from society. Back then, when women with Silk status were few, she refused to be trampled upon by her male counterparts. She worked diligently to gain the respect from other silks, including judges whom she never hesitated to apply for their recusal in instances where justice dictated that they recuse themselves.

“Advocate Retha Meintjies SC, left a void after hanging her robe but the NPA finds solace in that she shared her skills and left a legacy of well-groomed prosecutors,” remarked Acting Director of Public Prosecutions George Baloyi during the farewell function.

The Khasho Team wishes her good health and the very best in her retirement.

Tsepo Ndwalaza



Senior State Advocate Nicole Turner

The Grahamstown High Court was full to capacity to witness the sentencing of the worst serial rapist in Lonwabo Solontsi, who raped wherever he lived. His crimes were committed over three provinces. Court papers showed that he committed the majority of his crimes in the Eastern Cape. Some of the rapes were also committed in the North West and Western Cape. During sentencing, Judge Thami Bheshe informed the court that Solontsi was serving time for two other rape cases that were committed previously. This put the tally of rapes committed by him to 41.

Judge Thami Bheshe sentenced the accused to an indeterminate period and declared Solontsi a dangerous criminal on 23 March 2018. She also revealed that she would have no qualms in sentencing him to 12 life terms plus 706 years for 39 rapes for seven counts of robbery, and 14 counts of robbery with aggravating circumstances, 12 counts of housebreaking with intent to rape and three with intent to rape and rob. According to Senior State Advocate Nicola Turner who represented the state, it was unusual for a court to resort to declaring someone a dangerous criminal in terms of the Criminal Procedure Act. This can only happen in cases where the court is convinced that the society needs protection from such a criminal. She further alluded that in such cases, the court rather than the parole board will be the arbiter over any future chance of the criminal being released.

His rape spree kicked off in 2010 when he was a student at the University of Fort Hare. He terrorised the Alice campus students where he is alleged to have raped at least six students over three years. He also robbed most of the women he raped. In about 10 of the 39 rape incidents, he is alleged to have either raped women and teenagers multiple times or raped more than one woman in a house that he had broken into. He also raped a child in her own home and teenagers on their way to and from school. Victims were forced into the bushes, humiliated, threatened, assaulted and raped sometimes in broad daylight. He admitted to raping two women in two different incidents in Bathurst (Eastern Cape) on the same day.

Serial Rapist Sentenced to an Indefinite Period in Prison

His guilty pleas confirmed him as one of the country's worst serial rapist. The law stipulates that once a court has sentenced a person to an indeterminate period, it should then determine when the matter be brought before the court for reconsideration. Judge Bheshe also said that Solontsi would have faced life in jail and would have only been eligible for parole after 25 years. Similarly, Solontsi should not be brought before court again for reconsideration of his sentence before the same amount of time had expired.

Insights from Advocate Nicole Turner

The conviction and sentence of Lonwabo Solontsi on 67 charges, 39 of which were for rape, was the culmination of two years of work. It involved identifying the cases through DNA, securing the case dockets, scrutinising hundreds of forensic evidence serial numbers, and meticulously preparing Section 212 statements relating to the chain of forensic evidence. This was apart from drafting the indictment and applying for centralisation of cases across the country. As I read each case docket, I felt a chill down my spine as I identified the same modus operandi adopted by the accused in one case after the other. He usually took his victim from behind, robbed them of their cellphones, blindfolded and always made them close their eyes and count to 10 or 20 after the rape to ensure his escape. After reading the first 10 case dockets that were identified, I decided that we would not stop collecting case dockets until we had identified every case in which this man was involved. It was very important to me that each one of his victims should know that even years after the rape, we had identified their rapist and he would be punished for what he did. It was a question of restoring the dignity of all these women. I worked on the case dockets so many times that it felt as if the complainants were people that I knew. It was very special for me to meet 13 of them when the case went to trial. Putting faces to the names and hearing these women explaining years later the impact of the rape on their lives, was a truly humbling experience. Every one of the complainants was traced and the Investigating Officer, Detective Sergeant Gaika, informed all of them of the result of the trial.

Feared Gangster Sentenced to Life

Eric Ntabazalila

If Christopher Jantjies, the feared member of the Dixie Boys gang in Eerste River, was aware of Section 51 (1) of the Criminal Law Amendment Act 105 of 1997, he would have realised that he stood no chance of not being sentenced to life imprisonment for the murder of Metro Police Officer, Ben Koopman.

This section dictates the imposition of a minimum sentence of life imprisonment for murder when the victim is a law enforcement officer, unless there are substantial and compelling factors that justify the imposition of a lesser sentence.

Jantjies, 28, whose gang has held the Eerste River community at ransom through threats and actual attacks on those who acted against them, executed Koopman in broad daylight while he was in uniform, driving a branded police vehicle, in front of his house and worse, in front of his son.

The court heard during trial that on 15 February 2016, Ben Johannes Koopman, a Metro Police Officer of the City of Cape Town, arrived at his house, 11 Avon Street, Stratford Park in Eerste River, for lunch. He entered his house, met with his 18-year old son, Quilen, who had earlier arrived from school. After lunch, Quilen and his dad walked to the vehicle that the police officer had parked in front of his gate.

As he waved to his son, Jantjies and another unknown man walked towards him. As he opened the vehicle door, they

walked past him. He greeted them. Soon after they walked past, they turned around and attacked him. Jantjies took out a firearm and shot the deceased in the chest. Jantjies struggled to take out Koopman's service pistol and got assistance from the unidentified man.

After he was shot, Koopman fell on his back and as he lay there, Jantjies kicked him in the face and stomach and said: "Ek het gese ek gaan jou kry." Both men ran away with the deceased's service pistol and a two-way radio. They got into a getaway vehicle that was parked nearby.

Quilen was not the only person who saw Jantjies and the unidentified man. A member of the 26s gang, Danwill de Klerk, who knew Jantjies as he had spent time with him in prison, also saw the two men on their way to commit the murder. Jantjies greeted De Klerk, 'salute' – a greeting used by 26s gang members. He greeted him back. Later on, De Klerk saw the accused running back with a firearm and a two-way radio in his hand. After hearing children shouting "hulle het geskiet", De Klerk walked towards where the crowd was gathering. He saw a police officer lying on the road and recognised him as "Oom Ben".

Video footage collected from CCTV at Boots Tavern also shows the two men attacking the deceased. Despite all this, Jantjies pleaded not guilty to all the charges of premeditated murder, robbery with aggravating



circumstances, illegal possession of a firearm and illegal possession of ammunition. He even told Koopman's grieving widow who gave evidence in aggravation of sentence that he did not shoot and kill her husband.

Advocate De Jongh and Advocate Ronelle Stone argued that there should be strong compelling reasons to justify why the court was deviating from the prescribed minimum sentences.

"The accused has previous convictions with suspended sentences. Despite this, he continued to commit crimes including the murder of the police officer.

He has no respect for law and order. He has no conscience. If the court poses sentences that are

lenient, the interest of justice will fall into disrepute and communities may be forced to take the law into their own hands," he summed up.

Judge Daniel Thulare agreed and sentenced Jantjies to life imprisonment for the murder, 15 years direct imprisonment for robbery with aggravating circumstances, 15 years direct imprisonment for possession of an illegal firearm and five years direct imprisonment for the illegal possession of ammunition. The judge ordered that the sentences for robbery with aggravating circumstances, illegal possession of a firearm and illegal possession for ammunition must run concurrently with the life imprisonment sentence for murder. That means the accused was effectively sentenced to life imprisonment.

Insights from Advocate Christiaan De Jongh

From the onset, the prosecution team were faced with enormous challenges. I was asked for a second opinion in the matter, as the initial view was to withdraw the matter due to the peculiar challenges in the matter. The success of the prosecution depended on the evidence of two identifying witness whom had both lied in their initial statements to the police. The one witness identified another person bearing the same name as the accused and the other could not identify any of the perpetrators.

Subsequent thereto, both identified the accused as one of the perpetrators. Both gave reasonable explanations for their failure to identify the accused at the onset, being fear for their safety and that of their families, given the fact that the accused was the leader of a notorious criminal gang in the area where the crimes were committed. It was decided that the prosecution would continue and that the state would rely on the two identifying witnesses in order to prove its case despite these challenges. The reliability of the identification of the accused by the two witnesses for the prosecution proved to be decisive at the trial. The prosecutors meticulously presented the evidence of the two witnesses, who testified behind closed doors,

specifically with regard to their previous knowledge of the accused.

The accused proffered an alibi in his defence. The prosecution team successfully rebutted his alibi by calling two witnesses who were friends of the accused. During cross-examination of the accused, his alibi was also proven false. There was a lot of pressure on the prosecution team as the family members of the deceased as well as the law enforcement community were looking at the state to secure a conviction and see that justice was served. Through the dedicated and diligent hard work and 'never say die' attitude of the prosecution team, we managed to secure the impossible: a conviction against all the odds. No one really gave us a chance, given the nature of the evidence available to the prosecutors. We persevered, applied all our skills and experience in order to persuade the Judge to accept the evidence of the state. This was truly one of the cases that I would remember most in my career thus far, as it was one of the most challenging, but ultimately proved to not only be a conviction for the state but also for society at large. This case restored the faith of a society imprisoned by gangsterism, that the criminal justice system does work and that they can put their trust in the prosecution authority to ensure that justice is done for victims of crime.



Social Media Focus

These are some of the topics and comments from members of the public on the NPA Facebook page. This issue focusses on NPA successful cases that took place between May-June 2018, which were shared on the NPA Facebook page.

Tshepiso serial rapist sentenced to 15 x life plus 105 years

A 32 year-old man was sentenced to 15 life plus 105 years imprisonment on Wednesday, 20 June 2018. Kito Christopher Malumbele was convicted by the High Court, Johannesburg on a total of 52 counts which included 12 counts of rape, 2 counts of accomplice to rape, 1 count of compelled rape, 3 counts of causing a person older than 18 years to witness a sexual offence; 17 counts of kidnapping, 16 counts of robbery with aggravating circumstances and 1 count of possession of a firearm.

Inge Vogelpath, "Well done Nerissa Muller Swanepoel"

SANDE member sentenced for rape of a seven year old boy

A 52 year-old man from Polar Park in Bloemfontein was on Friday sentenced to life imprisonment after he was found guilty of raping a 7 year-old boy by the Bloemfontein Sexual Offences court. Magistrate Louw Schoeman sentenced Joseph Thaele for rape that took place on 4 December 2015.

Mafusi Maphepha Lekeka, "Well done Team"

Rapist sentenced to two life terms plus 31 years

The KwaBhaca (previously called Mount Frere) Regional Court sentenced Manxubandile Ntshobololo (24) to two life imprisonment terms after he was found guilty on a number of offences committed against school girl boarders, commonly known as Amagxamesi. The court convicted and sentenced the rapist to two life terms for two counts of rape and an additional fifteen years for another count of rape, five years for each of two counts of kidnapping and three years for two counts of housebreaking with intent to commit a crime.

Nontle Oyena Sakwe, "Well done Chusta & your PJO!!"

R78 Million seized to the state after OR Tambo bust

The Johannesburg High Court ordered that R78 million that was seized at OR Tambo International Airport on 28 August 2015 be forfeited to the state. All five men were charged with contravention of Customs and Excise Act 91 of 1964 and contravention of the Currency and Exchange Act 9 of 1933.

Gcwanini Mthini, "good, we call that a victory...."

Media Advisory

STATE V ZUMA HEARING, 06 APRIL 2018, DURBAN HIGH COURT

Members of the media and the special interest groups are advised that the hearing in the State v Zuma matter will be heard at the KwaZulu-Natal Division of the High Court, Durban, 6 April 2018. Due to the high media and public interest in the matter, media are requested to submit their names via their editors for the upcoming court date to the Office of the Chief Justice (OCJ).

Gcwanini Mthini, "that's good, we are proud about our NPA"

Addressing Corruption on "The Rock FM"

The Provincial Head of the Specialized Commercial Crimes Unit (SCCU), Advocate Alnicia Coetzee had an interview at "The Rock FM" on Tuesday, 24 April 2018 where she was talking about corruption and how the SCCU work together with other law enforcement agencies in the fight against commercial crimes. The interview took place during the programme called Re Ya Fahlolla (We are enlightening) from 13h35 until 14h20.

Fanie Mokoena, "Excellent, the Rock FM, NPA, SCCU Advocate Coetzee"

William Mugal, "Awesome Alicia Coetzee"

Roberto Coetzee, "Good one Nicia"

Sharon de Lange "Impressive"

Guatemalan Diego Novella found guilty of murder – The Citizen

Gabriela Kabrins Alban was killed in the room they shared at an upmarket boutique hotel in Camps Bay on July 29, 2015.

The Guatemalan Diego Novella was found guilty of murdering his American marketing executive girlfriend Gabriela Kabrins Alban by the Western Cape High Court in June 2018.

“I have no doubt in rejecting the version of the accused, in my view the state proved beyond reasonable doubt that the accused murdered the deceased, Miss Gabriela Kabrins Alban, the accused is found guilty as charged,” Judge Vincent Saldanha said handing down his judgment.

Novella was arrested for Kabrins Alban’s murder after her body was discovered in the room they shared at an upmarket boutique hotel in Camps Bay on July 29, 2015. She was manually strangled and had suffered blunt force trauma.

Saldanha had asked people who might be sensitive to “graphic” description of the crime scene and the state in which Kabrins Alban’s body was found to leave the courtroom. Kabrins Alban’s family left the room before Saldanha proceeded to hand down his judgment.

Kabrins Alban’s face was covered with chips and faeces and a note had been left on her body with the Spanish word “cerote”, which means piece of shit.

Evidence from a postmortem report had showed a number of injuries Kabrins Alban sustained during a brutal assault which, according to forensic experts, had resulted in difficulties in finding the exact cause of death.

Saldanha said he was satisfied that, at the time of the incident, Novella had the ability to distinguish between right and wrong.

Novella had since claimed that he was possessed by demons and had been in an abnormal mental state after having taken hallucinogenic substances during the attack, also claiming to the court that his girlfriend turned into a demon when she started attacking him in the morning of the incident.

Saldanha rejected Novella’s statement saying Novella had the ability to distinguish between right and wrong, and that he knew exactly what he was doing.

Pathologist can’t testify if #CourtneyPieters was raped before or after death – Cape Times

Expert witness in the case against rape and murder accused Mortimer Saunders said it could not be determined definitively if the rape of 3-year-old Courtney Pieters took place before or after her death.

The Western Cape High Court heard the testimony of pathologist Johan Dempers, who was called by the State. The State said it called on Dempers after an application on the hearsay rule.

Dempers was the supervisor to Aloysia Ogle, who conducted the autopsy on Pieters at Tygerberg Hospital. Ogle could not be called to the stand because she had moved to Dubai.

Dempers said he was contacted the day Pieters’ body was found and he accompanied Ogle to the scene.

Dempers said he was not present during the entire autopsy due to senior duties.

“I was not next to the body the entire time. I was not there every single second, but I am comfortable with the facts of the case,” Dempers said.

Saunders, in his plea statement said he had poisoned the child with ant poison and denied raping her, saying he “penetrated her corpse with three fingers”.

Ogle confirmed chief findings in her post-mortem report that Pieters suffered blunt force injuries to her face, torso and limbs.

Dempers also spoke on what was found in the child’s genital area during the autopsy.

“There was dark discolouration of vaginal tissue. Deep lacerations were found close to opening of vagina. This happens when stretched too far.

“It is important to note I am talking about the vaginal orifice, not the hymen. If you overextend this genital area (in a child), it will rupture.

“We can’t be that dogmatic to say rape happened ante-mortem, but we also can’t say that it happened definitely post-mortem. This is confounded by the state of decomposition,” the expert witness said.

Dempers said the pathologists had noted a contradiction with respect to the actual time of death. They had dealt with it as a nine-day post-mortem.

“When we tested for rigor mortis, there was mild stiffness of the muscles and there was no advanced stage of decomposition.

“This points to it being less consistent with the nine days. When this was noted, we impressed on the investigating officer to find evidence of how long the body was dead,” the witness said.

Dempers said the apparent cause of death was asphyxia, with signs of smothering, or poisoning. He said the manner of death was unnatural.

Defence counsel Morné Calitz requested that a typed-up version of Dempers’ evidence in chief be supplied to him so he could consult with his own expert, who is in KwaZulu-Natal.

The matter was postponed to August 6.

Cash-In-Transit Robbers Face the Full Might of the Law

Phaladi Shuping

Thirteen men who were involved in a brazen cash-in-transit heist faced the full might of the law when they were sentenced to a total of 48 life sentences plus an additional 1 208 years' imprisonment by the Free State High Court sitting in Kroonstad on 3 May 2018.

Lucky Nhlangulela, Seun Ntakazi, Edwin Mofokeng, Nhlanhla Mahlangu, Xolani Maliwa, Desmond Thato, Thababg Mokhohlane, Nthetelelo Myandao, Zolile Magwa, Moeketsi Molefe, Teboho Molefe and Mduduzi Mhlambi were each handed four life sentences and an additional 87 years in jail by Judge Martha Mbhele. Chesley Mnisi was sentenced to 164 years imprisonment for the brazen heist that was carried out in August 2014.

The police received a tip off that a gang of about 20 robbers were planning to rob a Coin Security cash van on a road between Virginia and Ventersburg on 22 August 2018. Members of the Special Task Force from the Western Cape, Hawks Tactical Operations Management Section (TOMS) and members of the Coin Security lay in wait near where the heist was going to take place, with two helicopters and a number of vehicles.

The robbers appeared driving four cars, a BMW X5, BMW 3 series, Toyota Hilux double cab and Mercedes Benz C-Class AMG. Three of the vehicles used by the robbers were hijacked in Johannesburg and the BMW X5 belonged to one of the robbers' friend. The friend from Vereeniging, informed the police that he did not know that his robber friend was going to use his car in the heist as he only borrowed it to him to fix a tyre.

The robbers used one car to collide with the cash van and the Task Force, TOMS and Coin Security members engaged the heavily armed group in a shootout. The area was turned into a war zone in just a few seconds. Some civilians, who were driving by, parked their cars on the side of the road and watched the gun battle.

Some civilians were caught in the cross fire. One woman was shot in the back whilst sitting in a truck that was parked on the side of the road. Some of the robbers hijacked vehicles from civilians who were parked on the side of the road to get away.

About 60 law enforcement officers shot three of the robbers dead and the fourth robber lost his life when the car he was driving to get away overturned as he was driving in high speed. He was ejected from the car and it rolled over him. Police seized about 20 firearms at the scene that included R5, AK 47 and 9mm pistols.

Three of the robbers are believed to have gotten away even though the number could not be verified. Four died at the scene and 13 were arrested.

He said that the 13 robbers should be held responsible for the murders of the robbers that were killed by the police

because they should have foreseen that there could have been a shootout with the police but they reconciled themselves to that fact, hence they continued their attempt to rob the cash van.

Judge Mbhele concurred with Advocate Harrington and she found the 13 robbers guilty on four counts of murder each, 18 counts of attempted murder, seven counts of unlawful possession of firearms, one count of robbery with aggravating circumstances and one count of attempted robbery.



Insight from Advocate Jacques Harrington

We were in court for about two years dealing with this matter. The accused insisted on having private attorneys from Johannesburg representing them and that significantly delayed the speedy finalisation of the matter.

They finally got two attorneys with one attorney representing Chesley Mnisi and the other attorney representing the other 12 accused. However, the attorney representing the 12 accused withdrew due to lack of payment, eight weeks into the trial.

The attorney that represented Mnisi agreed to represent all 13 accused. He also withdrew after 15 weeks into the trial due to non-payment of his legal fees. This delayed the matter as we had to postpone for the accused to get new legal representatives.

The matter was delayed for a long time because the new attorneys had to bring themselves up to speed with the matter that had already been in court for 15 weeks. Two Legal Aid attorney were appointed to represent four of the accused and the other nine accused were represented by two new private attorneys. The new team of legal representatives were on board for five weeks until we finalised the matter.

It was 20 weeks of a marathon trial and I was relieved when the matter was finalised with a guilty verdict and the accused receiving hefty sentences.

The biggest challenge that I was confronted with in court was presenting evidence of what happened at the crime scene as it was a war zone and totally chaotic. Civilians were caught in the cross fire. Civilians who parked their cars on the side of the road and watched as if they were watching an action packed movie. Robbers shooting at the police and police shooting back at the robbers. It was an uncontrollable gunfire.

Who's Who in DPP Free State



Acting DPP: Chief Prosecutor – Welkom Cluster: Navilla Somaru



Acting DDPP: Daniel Pretorius



DDPP: Elsa Smith



DDPP: Carel Van Der Merwe



DDPP: Johan Roothman



Acting DDPP: Silas Chalale



Chief Prosecutor- Bloemfontein Cluster: Sello Mathoko



Regional Head – SCCU: Alnicia Coetzee



Acting Regional Head – AFU: Thato Ntimutse



Director – Administration: Lemmer Ludwick

NPA ETHICS IN ACTION

Integrity Management Unit

“Meaningful human dialogue is impossible without civil and ethical discourse.”

Given human divisiveness by race, gender, age, nationality, culture, and religion, what do we need to start doing to promote respect, consideration, courtesy, tolerance, & ethical conduct that provides some foundation to build on relations wise?

1. Hear another person out whether in a meeting, on the phone, or during a conversation. It is fair to say that interrupting anyone is rude. It can be hard at times but clearly starts by biting our tongues.
2. Let the dialogue breathe and settle in prior to jumping to conclusions about the person or his/her content..
3. Acknowledge another person's point of view despite possible misgivings you may have. Why is this important? We provide them some validity that carries weight, and more importantly respect they are entitled to. All too often humans are consumed with being right or wrong. It is a box we need to avoid.

4. It is not our job as humans to transform others into something we think they should be and simply are not. This applies to any business team or basic interaction written or verbal.

Starting with myself, I am asking every reader to do a better of deploying the above suggestions. They are meant to foster human civility and ethical discourse.

Please remember this: respect, consideration, and courtesy matter a lot. Treat others fairly, decently, and equally. Build your moral compasses carefully and always monitor them daily, you know the battle cry: do your best each day. No one can ask more or less from any of us.

For further information on the work of Integrity Management Unit (IMU) or Ethics Matters, Officials can contact our Ethics Officers on 012 845 6978 or 012 845

Legislation Watch

The following are some of the Bills that have been approved by Parliament recently:

- Customary Initiation Bill of 2018 - The Bill seeks to protect, promote and regulate the governance aspect of the practice of customary initiation. It provides national norms and standards aimed at the protection of life and the prevention of injuries and all forms of abuse experienced by initiates.
- National Qualifications Framework Amendment Bill of 2016 - The Bill, which amends the National Qualifications Framework Act, 2008 (Act 67 of 2008), strengthens the Act by improving measures to deal with issues of misrepresentation, imposes consequences on persons who misrepresent their qualifications or organisations that issue invalid qualifications.
- It also proposes regulations to ensure that fraudulent qualifications are referred to the relevant professional bodies (database of individuals who misrepresented their qualifications). It also addresses the accreditation of foreign qualifications.
- Railway Safety Bill of 2017 - The Bill seeks to improve railway safety and create a governance structure to oversee the work of the Rail Safety Regulator of South Africa. It is also aligned to the National Rail Policy regarding the strengthening of safety monitoring, and the promotion and enforcement of safety in our railways.
- Draft Economic Regulation of Transport Bill of 2017 - The Bill addresses the regulatory and capacity gaps in respect of provision of a cost-effective and efficient transport system.

Profiling SOCA Unit

Sibongile Mogale



From left to right Tumelo Mashishi, Sonnyboy Manzini, Advocate Aaron Raletjena, Advocate Vuyokazi Ketelo, Evy Popela, Advocate Patamedi Mogale, Nnana Motaung, Advocate Refilwe Lekgoathi, Advocate Joey Mabote, Pierre Smith, Carina Coetzee (not in picture)



Advocate Joyce Xakaza



Advocate Pierre Smith
Acting SDPP: SOCA

Background regarding the establishment of the Unit

The SOCA unit, which is an acronym for Sexual Offence and Community Affairs was established in 1999 in accordance with the mandate of the National Prosecuting Authority of South Africa and the Proclamation signed by the President of the Republic of South Africa on the 15 September 1999.

Due to the high volume of sexual offences that were committed in our country around 1999, our government decided to establish a special unit that will deal specifically with these kinds of offences. That brought the birth of SOCA unit.

The mandate of the SOCA Unit derives from the National Prosecuting Authority and that of the Constitution of the Republic of South Africa Act 108 of 1996 and the National Prosecuting Authority Act 32 of 1998.

Based on the mandate of the unit, five sections were identified to implement the functions, activities and related initiatives accordingly. These sections are, Sexual Offences, Maintenance, Domestic Violence, Child Justice and Trafficking in Persons.

The Unit is a specialist within the component within the National Prosecutions Service NPS, SOCA has provincial offices in EC, KZN and WC, responsible for the implementation of the mandate in their respective provinces. There is also SOCA representation in other provinces, by means of Provincial/cluster managers (who are currently appointed as Senior State Advocates (SSAs) or Senior Public Prosecutor (SPPs) in the provinces or Head Office).

There are also Senior maintenance prosecutors for all divisions and or provinces, whilst some of them stand in as provincial managers for the SOCA mandate.

The responsibilities of SOCA are the following:

- to formulate policy regarding capacity building, sensitisation and scientific functional training in respect of the prosecution of sexual offences;
- to coordinate the establishment of special courts for the adjudication of sexual offences;
- to facilitate and/or formulate research techniques for the prosecution of sexual offences;
- to develop and implement the community awareness programmes and plans for the participation of non-governmental organisations in processes, and procedures that are aimed at preventing or containing sexual offences;
- to develop training, plans and mechanisms regarding the prosecution of sexual offences;
- it also focuses on domestic violence, maintenance, child justice and trafficking in persons.

The SOCA unit under the leadership of Advocate Pierre Smith acting as Special Director of Public Prosecution with effect from November 2017.

The broad outcomes that SOCA, seeks to achieve are to:

- Improve the conviction rate in gender-based crimes and crimes against children
- Actively protect vulnerable groups from abuse and violence
- Ensure access to maintenance support
- Systematically reduce secondary victimisation

The Thuthuzela Care Centre (TCC) model:

Currently there are 55 TCC sites that are operating which are headed by case managers. The Thuthuzela Care Centre (TCC) model specifically focuses on survivors of sexual offences and is regarded as an international best practise model in successfully addressing rape care management. The focus of the model is to reduce secondary victimisation, reduce the cycle period from reporting to the finalization of the case and to improve the conviction rate of these cases. The model is court directed.

It should also be noted that TCC case managers and or SOCA SSAs or SPPs are instrumental in their assistance with TCC-cases (high-profile or contentious cases) either by providing crucial prosecutor guided investigations or being themselves responsible for the prosecution of these cases in court.

Stakeholder cooperation and interventions:

The importance of effective and efficient stakeholder cooperation with relevant partners in the CJS on a continuous basis can never be over-emphasized. For this purpose, SOCA spearheaded or participated in the following interventions:

- Launch of Women's Justice Empowerment Initiative (WJEI) in Cape Town;
- Hosted 6 Sexual Offences Indabas;
- Implements various public awareness programmes/ initiatives on gender-based violence;
- Holds Ndabezitha Izimbizo sessions with the House of Traditional Leaders and communities on domestic violence in general;
- Helps in addressing Gender Based Violence (GBV) management through International Advisory Reference Group (IARG) – relevant experts in addressing gender-based violence management on international level with specific focus towards Africa;
- Participates in Gender Justice Summit, a multi-sectoral collaboration where experts in address gender based violence focusing on Africa;
- HOPAC – Heads of Prosecution Agencies engaged in significant matters - prosecutions and legislation;
- SOCA participates at several of the Africa Prosecutors Association (APA) conferences in Africa;
- It also assists in consolidating and strengthening regional cooperation in the promotion and protection of human rights through the SADC Gender Justice Project ;
- Hosted several international delegations;
- Currently SOCA is in the process of developing a Sexual Offences and Gender Based Violence (SGBV) manual for the African Prosecutors Association (APA);
- The unit works closely with Research unit (NPA, Head Office) in reviewing the implementation and application of the Victims Charter;
- SOCA participated in the DOJ committee to critically analyse the existence of the current age of criminal capacity which is currently 10 years, in terms of section 7 of the Child Justice Act (CJA);
- Senior maintenance prosecutors are responsible for, inter alia, the overall management of maintenance matters in their provinces. Their mandate is to provide support and guide the maintenance officers and prosecutors and also deal with contentious maintenance for both the civil and criminal processes as they are responsible for skills development in their respective provinces;
- SOCA initiated the establishment of a National and Provincial Task Teams on Trafficking in Persons in preparation of the Act being passed, regarding obligations on the NPA. The Act was gazetted for implementation during August 2015. A comprehensive training manual was developed by the team;

Final thought

- The following inter alia SCA judgements (DPP NGauteng v Thabete, 2011 & S v Chapman, 1997) highlighted the seriousness of sexual offences, specifically the offence of rape, which directly affects the most vulnerable in our community and the dire consequences thereof (“...a humiliating, degrading and brutal invasion of the privacy, the dignity and the person of the victim...”, as per S v Chapman).
- Current case law and the continuous development of relevant legislation reinforce the importance of what being an ongoing priority focus area.
- Accordingly, what places not only are a responsibility on government but also civil society and the community to collectively identify and implement initiatives to combat the scourge of violence against women and children, not only within the borders of South Africa but across Africa at large.

AFU Hands Over Ill-Gotten Assets to Community

Luxolo Tyali

The Asset Forfeiture Unit in the Eastern Cape Division recently handed over flats to the value of R800 000 that belonged to the late businessman and fraud-accused, Sive Nombembe to the Amazizi Traditional Council of the Community of Zazulwana in Butterworth.

The flats were among the properties that the Grahamstown High Court granted a Forfeiture Order for, in relation to the infamous R10 million tender fraud relating to rubbish bags in the Mquma Local Municipality last year.

Assets belonging to those implicated in the fraud which were sold in a public auction include a R1.3 million house; trailers and a vehicle worth R685 000; and carport valued at R39 000. Amounts totalling R177 350 were also received from individuals who received gratifications as part of the scam. All the monies received were handed back to the municipality.

The property, situated across the road from the Walter Sisulu University's (WSU) Ibika Campus, was handed over to the community of Zazulwana because it is situated on the communal land of the Amazizi Traditional Council, and therefore, could not be sold on auction as it has no title deed.

The late businessman leased the 17 flats to the WSU and they generated a monthly income of R68 000, from student accommodation.

Speaking after officially receiving the keys to the property, the chairperson of the Zazulwana Development Trust, the business arm of the Amazizi Traditional Council, Luthando Ngcebetsha, committed that the property would be utilised to develop the community and improve the living conditions of the people of Zazulwana village.

"We hope to strengthen our relationship with WSU and continue to lease the plot as they had been doing with the former owner," he said.

AFU Eastern Cape Head, Dr. Chris Ndzenge warned the community that the use of the property would be monitored to ensure that it indeed benefits the community at large and not enrich a few individuals.

"Should there be shenanigans surrounding the administration of this property, law enforcement authorities will be back to deal with wrongdoers," Dr. Ndzenge cautioned.

Thirteen co-accused with the late Sive Nombembe, including the African National Congress Amathole Regional Secretary, Terris Ntuthu, are now due in court on 17 August 2018 for the fraud trial.

Insights from Dr Chris Ndzenge

Asset forfeiture may take place in two ways: (1) Criminal forfeiture requires a restraint, which may be obtained prior or after an arrest and institution of criminal proceedings. Once a conviction is secured, a confiscation application will be launched, followed by sentencing and settlement of the confiscation amount by the accused or the sale of his or her restrained asset. (2) Civil forfeiture takes the form of a preservation, followed by a forfeiture to the State and sale of the forfeited assets. No arrest or prosecution or conviction is required. The NDPP relies on evidence on affidavits for proving an offence and that the preserved asset is either proceeds of unlawful activities or an instrumentality of an offence. In this matter (NDPP v Nombembe matter), we followed the second option and proved that the assets were proceeds of fraud, theft, corruption and money laundering.

Even if the accused person dies during trial, civil forfeiture targets the tainted asset (as either proceeds or an instrumentality) and not the (deceased) person. This became the case when Mr Nombembe passed on.

Assets under one Communal Title are difficult to sell or evaluate, and end up being 'sold' cheaply. Our approach is to return them to the community to serve as a clinic or crèche etc. i.e. to be utilised for communal benefit. In the Nombembe case, the 18 flats will be utilised for student accommodation at a monthly rental for the benefit of the community.

This is not the first case in the Eastern Cape. In NDPP v Maziyan, the AFU returned a house built on communal land to the church, the victim of the underlying offences of fraud and theft.



Hawks Team and AFU's Advocate Mthobeli Gxowa (extreme left), Dr Chris Ndzenge (Mid-front in blue suit) and Advocate Nqabomzi Ndutyana (far right) stand at the entrance to the flats handed over to the Zazulwana Community

NPA Laptop Safety

The Security Management Services unit continuously seeks to improve security of the National Prosecuting Authority specifically that of NPA assets and sensitive or classified information generated within NPA. This is done to mitigate the risk of leakages of information to the unauthorized persons. Paragraph 8.2 of the approved NPA Security Policy stipulates that; “All employees shall be accountable for the proper utilization and protection of such information and assets. Employees that misuse/ abuse and lose NPA allocated assets shall be held accountable therefore and disciplinary action shall be taken against such employee”.

According to the NPA loss control statistics, NPA is continuously losing large number of laptops nationally. They get lost or stolen inside and outside the NPA buildings through either house or car break-in. This has resulted in NPA losing thousands of rands, and sensitive information may be compromised due to this trend resulting to reputational damage. We all have the responsibility as the collective to protect the image of e organisation.

The following security measures shall be applied by all NPA laptop users:

1. Lock it up – Lock your laptop in a lockable steel cabinet. Thieves can't steal what they don't know about.
2. Lock it down –Use a security cable to secure the laptop to a sturdy/ preferably office desk. It takes time to cut the cable out of the laptop and this is time the thief doesn't have.
3. Lock them out – Lock your office door. The bad guys always go for the easy theft and locking your office door presents the barrier they have to go through.
4. When traveling, keep it with you at all times – Any time the laptop is out of secured environment (NPA Offices) it becomes a much easier target for the thieves. Airports and hotel rooms are common places where laptops are misplaced or left alone and are subsequently stolen. Even more common, is leaving laptops in a car.
5. Always carry your laptop in an unassuming, well-padded bag. This avoids the unwanted attention a traditional laptop bag or fancy leather briefcase can generate.
6. Never store a laptop or any NPA issued equipment in checked luggage while travelling.



Chief Director: Security Management Services Unit

7. The use of a laptop to transmit sensitive NPA information through public telecommunication networks such as WIFI presents potential vulnerabilities due to the susceptibility to eavesdropping and interception of information transmitted. This is especially true because foreign telephone systems and networks may either be owned or controlled by the host government or foreign intelligences.
8. All incidents regarding loses must be reported to South African Police Services, Loss Control Unit and subsequently to the Security Management Chief Director.
9. The NPA laptops shall be kept under the direct control of the employees to whom they are assigned (e.g., never leave a laptop unattended when at conference or training seminar).
10. All NPA employees shall take home allocated laptops only when it is necessary to do so and after approval has been granted by the line manager.

For further enquiries, kindly contact Mr. Loyiso Mzamo or Mokhine Makobe: 012 845 7044 /7011.

Security Management Services Team

Some of NPA Youth Month Activities that Took Place Across the Country

Mpumalanga Youth Day

“Live the legacy towards a socio economically empowered youth”, was the theme of the 16 June 2018 Youth Day held at Elukwani Stadium (Chief Albert Luthuli Stadium), Gert Sibande District. The celebration started with a parade from eTakheni High School to Elukwatini stadium. The NPA, government departments and NGO's were showcasing their services to over a thousand young people. A formal programme followed where the focus was on issues affecting youth such as poverty, unemployment and inequality in education. The youth were told not to engage in risky sexual actions that might affect their health and independence. They were also encouraged to go to TVET Colleges to get skills, to submit business proposals to funding departments, and to continue to make Mpumalanga, “the place of the rising sun”. The NPA imparted information on the Criminal Justice System, case reporting, court processes, Thuthuzela Care Centre (TCC) services, human trafficking, environmental crimes and etc. The youth were also urged to report cases of gender based violence.



The youth of Gert Sibande parading to Elukwatini stadium



Learners of Etakheni High School at the NPA exhibition stall

Thulamahashe Youth Day

On 5 June 2018, the NPA in Mpumalanga together with other stakeholders took part in a youth day event that was held at the Silington youth centre in Thulamahashe.

The purpose of the event was to take the NPA services to young people and to provide educational awareness to the communities surrounding Bushbuckridge. Bushbuckridge has a high volume of people and the crime rate is high at the border areas and around the Kruger National Park. Due to unemployment and poverty young people often become victims of crime or are targeted for poaching, environmental crimes, or trafficking in people.

Various stakeholders – (The NPA, Department of Education, Department of Labour, South African Police Services and NGO's) had their exhibition stalls at the youth centre. Community members visited the NPA stall for information and assistance on legal matters. The youth present were also urged to refrain from substance abuse and other crimes.



Community members of Thulamahashe at the NPA exhibition stall



NPA Engages With the Barkley East Community

The Department of Safety and Liaison organised a Policing Accountability engagement in the community of Barkley East which was held on 21 June 2018. Mr Mfundo Mbuqu a prosecutor in Elliot addressed the community, he spoke about the NPA role in a court of law and also updated the community on some of the cases of public interest in the community. The police were present, Correctional Services, Social Development and the CPF as well as community based organisations.



SAPS official addressing community members of Barkley East

NPA Grooming the Youth

Advocate Mike Hlatshwayo from Protea Court addressed the learners of Progress Comprehensive School in Pimville-Soweto during a visit to commemorate youth month. The learners were educated about the dangers of cult practices, social media, sexual grooming, sexual offences and litigation on drug related offences.



Advocate Mike Hlatshwayo addressing Progress Comprehensive High learners



Progress Comprehensive High School pupils

Pretoria Magistrate Community Outreach Programme

On 15 June 2018 the NPA together with the Department of Justice and Constitutional Development held a Community Outreach Programme at the Pretoria Magistrate, Court. Present at the event was Childwelfare, Legal Aid South Africa, Families South Africa, Lawyers of Human Rights, Department of Correctional Services, Department of Home Affairs, South African Police Service and the City Tshwane. The purpose of the event was for the NPA and the invited stakeholders to serve as advice desks by means of setting exhibition stalls outside the court; educating all members of the public about the work they do and the services they provide.



NPA staff members at the exhibition stall



Thuthuzela Care Centre – Mamelodi staff members attending the Community Outreach Programme at the Pretoria Magistrate Court



DIRECTORS OF PUBLIC PROSECUTIONS

DPP	POSTAL ADDRESS	OFFICE NUMBER	DIRECT NUMBER	PHYSICAL ADDRESS
Adv MA Chauke South Gauteng achauke@npa.gov.za	Private Bag X8 JOHANNESBURG 2000	Tel: 011 220 4000 Fax: 011 220 4232	011 220 4122 Rachel Khunyeli	Innes Chambers Building C/o Pritchard and Kruis Streets JOHANNESBURG 2000
N Somaru (Acting) Free State nsomaru@npa.gov.za	Private Bag X20506 BLOEMFONTEIN 9300	Tel: 051 410 6000 Fax: 051 410 6051	051 410 6009 Fikani Gambushe	Waterval Centre C/o Aliwal & St Andrews Streets BLOEMFONTEIN
Adv S Mzinyathi North Gauteng smzinyathi@npa.gov.za	Private Bag X 300 PRETORIA 0001	Tell: 012 351 6700 Fax: 012 323 0866	012 351 6704 Lizzy Maphutha	Prudential Building 28 Church Square PRETORIA
Adv AJ Botha Northern Cape ABotha@npa.gov.za	Private Bag X5037 KIMBERLEY 8300	Tel: 053 807 4500 Fax: 053 832 9434	053 807 4567 Nicky Smith	Wilcon House 22 Fabricia Road KIMBERLEY
Adv Moipone Noko KwaZulu - Natal mnoko@npa.gov.za	Private Bag X9008 PIETERMARITZBURG 3200	Tel: 033 845 4400 Fax: 033 394 8884	033 845 4405 Nontobeko Duma	3rd Floor, High Court Building 301 Church Street PIETERMARITZBURG 3200
Adv L Mahlati SC PE and Grahamstown lwamahlati@npa.gov.za	Private Bag X6075 PORT ELIZABETH 6000	Tel: 012 842 1400 Fax: 086 248 3765	046 411 4541 Nomfuneko Kamana	18 Grahamstown Road Woolhouse Building North End PORT ELIZABETH
Adv R De Kock Western Cape rjdecock@npa.gov.za	Private Bag 9003 CAPE TOWN 8000	Tel: 021 487 7736 Fax: 021 487 7236	021 488 7236 Sumi Singh	115 Buitengracht Street CAPE TOWN 8001
Mr BS Madolo Mthatha bmadolo@npa.gov.za	Private Bag X5019 MTHATHA 5099	Tel: 047 501 2655 Fax: 012 843 1612	047 501 2655 Lindiwe Gobinduku	Broadcast House Lower Sissons Street, Fort Gale MTHATHA
Adv J Smit SC North West jjsmit@npa.gov.za	Private Bag X2009 MMABATHO 2735	Tel: 018 381 9000 Fax: 018 843 1005	018 381 9001 Tertia van Biljon	Megacity Complex East Gallery 3139 Sekame Road 3 MMABATHO
Adv I Thenga Limpopo lthenga@npa.gov.za	36 Biccard Street Block B (Floor 5) NPA POLOKWANE, 0700	Tel: 015 360 0274	Tel: 015 045 0275 Adelaide Modubu	36 Biccard Street Limpopo High Court Block B (Floor 5) NPA POLOKWANE
DPP Mpumalanga Satellite Office	Private Bag X 11266 NELSPRUIT 1200	Tel: 013 752 6944	Help Desk 013 752 6944	32 Bell Street, Caltex Building Nelspruit 1200